

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-19, 21-41, and 43-62 are pending in this application with claims 1, 10, 19, 22, 26, 31, 32 and 43 being the independent claims. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Claim Rejections Under 35 U.S.C. 103 (a)

Claims 1-19, 21-41, 43-46, 48-51 and 58-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. US 2001/0038999 by Hainey, II (“Hainey”) in view of Microsoft Office Shortcut Bar (“Microsoft Office”) and further in view of Microsoft Paint, copyright 1981-1998 version 4 (“Microsoft Paint”).

Claims 47, 52-57 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hainey in view of Microsoft Office and Microsoft Paint, and further in view of U.S. Patent No. 5,949,408 to Kang et al. (“Kang”).

Claims 1 and 43 and their Dependent Claims

Claims 1 and 43 have been amended to recite “a first interactive tool from the plurality of interactive tools enabling the selection of one of a plurality of activities” and “a second interactive tool from the plurality of interactive tools enabling the selection of one of a plurality of characteristics associated with said second interactive tool from the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, as the Examiner concedes, Hainey and Microsoft Office do not disclose “enabling the selection of one of a plurality of characteristics associated with said second interactive tool” where the plurality of characteristics are configured to vary based on the selection of an activity from the plurality of activities. Hainey discloses a hand-held device that provides drawing activities for which the user can perform certain drawing functions on a display

of the device. The device includes icons on the display that a user can select with a stylus. The icons can provide further options available within a selected category. Hainey, however, does not disclose that the options associated with an icon can vary depending on a particular activity selection by the user. In other words, in Hainey, the options associated with an icon are always the same.

Microsoft Office discloses tool bars and icons, but does not disclose an interactive tool enabling the selection of a characteristic from a plurality of characteristics associated with that interactive tool, where the plurality of characteristics can vary depending on a selection of an activity. Characteristics associated with tools in Microsoft Office do not vary depending on a particular activity selected by a user. Rather, as with the options in Hainey, characteristics of an icon in Microsoft Office remain the same regardless of the activity. Thus, neither Hainey nor Microsoft Office disclose or suggest a device as recited in claims 1 and 43, as amended.

The Examiner asserts that Microsoft Paint discloses a drawing program with various tools wherein a selection of certain tools enables a sub-menu of characteristics for the selected tool to appear. Although Microsoft Paint discloses sub-menus of characteristics associated with some of the selectable tools, and those sub-menus of characteristics can be unique to a particular tool, Microsoft Paint does not provide for the selection of an activity and that the sub-menus for a particular tool can change based on the activity selection. In the Advisory Action dated May 3, 2007, the Examiner asserts that Microsoft Paint allows a user to “customize the characteristics for subsequent activities,” however, this is not the same as varying the characteristics based on a selection of an activity, as recited in claims 1 and 43.

Specifically, as recited in claims 1 and 43, and described in the specification, the hand-held device is configured to modify or change the characteristic(s) available for use with a given interactive tool based on the activity selected. For example, if a user selects an activity associated with a free drawing activity (e.g., an activity from a plurality of activities), and then selects the stamp interactive tool (e.g., an interactive tool from a plurality of interactive tools), the stamper selection set associated with the free drawing activity (e.g., characteristics associated with the interactive tool) would be presented. In this scenario, the stamper selection set can

include, for example, stamps of general interest such as animals, sporting objects, etc. If the user instead selects a funny-faces activity, and then again selects the stamp interactive tool, the stamper selection set presented would now be a stamper selection set associated with the funny-faces activity. IN this scenario, the stamper selection set can include, for example, face-related stamps such as an eye, nose, ears, mustache, etc. *specification*, par. [1037]. The Applicants submit that Microsoft Paint does not disclose or suggest such a device. First, Microsoft Paint does not disclose or suggest a device that can provide for the selection of an activity from a plurality of activities, and then provide a selection of interactive tools. Second, Microsoft Paint does not disclose or suggest a device that provides for a set of characteristics associated with the interactive tools (e.g., sub-menus as discussed above) that can change based on the activity that was selected. At best, Microsoft Paint provides a drawing activity that enables a user to select from a list of tools, and then select from a sub-menu of characteristics associated with some of the tools. Again, there is no activity selection capability, and there is no change in the characteristics for a given tool.

Accordingly, for at least these reasons Applicants respectfully submit that claims 1 and 43 are patentable. Based at least upon their dependence from claims 1 and 43, claims 2-9, 29-30 and 52 (dependent from claim 1) and claims 44-51 (dependent from claim 43) are also patentable.

Claim 10 and its Dependent Claims

Claim 10 recites “the first predetermined characteristic of the at least one interactive tool being available when the drawing activity is activated and not available when the second activity is activated, and the second predetermined characteristic of the at least one interactive tool being available when the second activity is activated and not available when the drawing activity is activated.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

As stated above with regard to claims 1 and 43, the tools within Hainey, Microsoft Office, and Microsoft Paint have the same characteristics/options regardless of what activity is selected. Specifically, Microsoft Paint does not disclose or suggest the selection of a first activity or a second activity, and therefore also does not disclose or suggest that a sub-menu of characteristics associated with a particular tool is different depending on whether a first activity or a second activity is selected.

Accordingly, at least for this reason Applicants respectfully submit that claim 10 is patentable. Based at least upon their dependence from claim 10, claims 11-18, and 53 are also patentable.

Claim 19 and its Dependent Claims

Claim 19 has been amended to recite “determining a state of availability for the selected interactive tool . . . ; and if the state of the interactive tool is available, displaying indicia of the at least one characteristic associated with the selected interactive tool, the at least one characteristic of the selected interactive tool including a drawing characteristic unique to the selected one of a plurality of activities.” For similar reasons as stated above for claims 1, 43, and 10, none of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, Hainey and Microsoft Office do not change availability of an interactive tool based on a selected activity. Rather, the tools of Hainey and Microsoft Office are the same regardless of the activity. In addition, the tools of Hainey and Microsoft Office do not provide a drawing characteristic that is unique to a selected activity. Instead, the drawing characteristics available in both Hainey and Microsoft Office are the same regardless of the selected activity.

Microsoft Paint also does not disclose or suggest the ability to determine if a selected interactive tool is one of available or unavailable based on the selected activity, as all of the tools in Microsoft Paint are always available. Microsoft Paint also does not disclose or suggest that the plurality of characteristics of a selected interactive tool includes a drawing characteristic unique to the selected activity. As stated above, the characteristics of a particular tool in

Microsoft Paint are always the same for that tool, regardless of the activity. Further, as discussed above for claims 1, 10 and 43, Microsoft Paint also does not disclose receiving a selection of one activity from a plurality of activities, as recited in claim 19.

Accordingly, at least for this reason Applicants respectfully submit that claim 19 is patentable. Based at least upon their dependence from claim 19, claims 21 and 54 are also patentable.

Claim 22 and its Dependent Claims

Claim 22 recites “determining a first characteristic of a selected interactive tool . . . the first characteristic being configured to interact with the retrieved drawing activity application” and “determining a second characteristic of the selected interactive tool . . . the second characteristic being configured to interact with the retrieved second activity application, and not the first activity application.” None of Hainey, Microsoft Office, or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, Hainey does not disclose or suggest an interactive tool having a first characteristic configured to interact with a drawing activity, and a second characteristic configured to interact with a second activity, and not the drawing activity, as recited in claim 22. As stated above, Hainey discloses icons that have a set of options that are the same regardless of the activity. In other words, an icon in Hainey does not have an option configured to interact with a first activity and another option configured to interact with a second activity and not the first activity. For similar reasons as stated above for claims 1, 43, 10 and 19, Microsoft Office and Microsoft Paint also do not disclose or suggest such a device.

Accordingly, at least for this reason Applicants respectfully submit that claim 22 is patentable. Based at least upon their dependence from claim 22, claims 23-25 and 55 are also patentable.

Claim 26 and its Dependent Claims

Claim 26 recites “said first selectable item including a plurality of drawing activities . . .” and “said interactive tool having at least one characteristic in a first state . . . upon receipt of a selection of a drawing activity from said plurality of drawing activities of said first selectable item . . . determining whether to modify said at least one characteristic of said interactive tool from said first state associated with the first selectable item to a second different state associated with the selection of said first selectable item.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, none of the devices of Hainey, Microsoft Office or Microsoft Paint disclose determining whether to modify a characteristic of a selectable interactive tool based on a selection of a drawing activity, as recited in claim 26. As stated above, in each of the devices of Hainey, Microsoft Office and Microsoft Paint, the characteristics associated with a tool are always the same for that particular tool.

Accordingly, at least for this reason Applicants respectfully submit that claim 26 is patentable. Based at least upon their dependence from claim 26, claims 27-28 and 56 are also patentable.

Claim 31 and its Dependent Claims

Claim 31 has been amended to recite “at least one of the plurality of interactive tools having a first characteristic and a second characteristic, the first characteristic being configured for use with the first drawing activity; and . . . the second characteristic being configured for use with the second drawing activity and not the first drawing activity.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, none of Hainey, Microsoft Office or Microsoft Paint disclose or suggest a device having a first read-only memory with a first drawing activity, a second read-only memory with a second drawing activity and an interactive tool having a first characteristic and a second characteristic where the second characteristic is only configured for use with the second drawing activity and not the first drawing activity, as recited in claim 31. As stated above, in all of

Hainey, Microsoft Office, and Microsoft Paint the icons/toolbars do not have a characteristic (or option within a sub-menu) that is configured for use with a first activity and not a second activity. Rather, the characteristics/options of the icons/toolbars of Hainey, Microsoft Office and Microsoft Paint are the same regardless of the activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 31 is patentable. Based at least upon their dependence from claim 31, claims 57-61 are also patentable.

Claim 32 and its Dependent Claims

Claim 32 recites “each of the plurality of selectable icons associated with at least one drawing tool, each of the plurality of selectable icons being one of activated and inactivated based on an activity selected from a plurality of selectable activities.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device. Specifically, none of Hainey, Microsoft Office and Microsoft Paint disclose or suggest selectable icons that are either activated or inactivated based on the selection of a particular activity.

As recited in claim 1, and described in the specification, the interactive tools of the hand-held device can be configured such that they are available for use with some activities, but not with others. For example, once an activity is selected by a user, the device can activate some or all of the interactive tools to be used with that activity. As one example, if a free-drawing activity is selected, the interactive tools associated with the icons 201-209 on the toolbar menu can be activated or made available for use. If the user selects a the concentration-game activity, the interactive tools associated with some of the icons 201-209 may be deactivated or made unavailable. *specification*, par. [1036]. As stated above, all of the cited references disclose tools or icons, and characteristics associated with those icons, that are the same regardless of the activity. Thus, none of Hainey, Microsoft Office or Microsoft Paint disclose or suggest that a tool can be made activated or de-activated based on the selection of an activity, as recited in claim 32.

Accordingly, at least for this reason Applicants respectfully submit that claim 32 is patentable. Based at least upon their dependence from claim 32, claims 33-41 and 62 are also patentable.

Request for Interview Prior to Examination

Attached herewith is an Applicant Initiated Interview Request Form PTOL-413A. The Applicants hereby request an interview between the Applicants' representative and the Examiner prior to examination of this amendment.

CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
1200 19th Street, NW, 5th Floor
Washington, DC 20036
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: Nancy A. Vashaw
Nancy A. Vashaw
Reg. No. 50,501